

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

To date, no party has filed objections to the magistrate judge's findings and recommendation. Accordingly, having reviewed the record and Judge Giblin's report, the Court agrees with the magistrate judge's findings and recommended disposition. The Court **ORDERS** that the *Report and Recommendation on Motion for Summary Judgment* [Clerk's doc. #93] is **ADOPTED**. Judge Giblin's findings and conclusions of law are incorporated in support of this order.

The Court further **ORDERS** that the *Defendants' Motion for Summary Judgment and Memorandum of Law in Support* [Clerk's doc. #79] is **GRANTED**. Final judgment will be entered separately.

SIGNED this 3rd day of February, 2009.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE